



THE LEGAL AID REGULATIONS 1970, AMENDMENT NO. 4

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 22nd day of December 1980

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 38 of the Legal Aid Act 1969, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Legal Aid Regulations 1970, Amendment No. 4, and shall be read together with and deemed part of the Legal Aid Regulations 1970* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 24th day of December 1980.

2. Interpretation—(1) Regulation 2 (1) of the principal regulations is hereby amended by omitting from the definition of the term “initial contribution” (as amended by regulation 2 (b) of the Legal Aid Regulations 1970, Amendment No. 2) the expression “of \$15”.

(2) Regulation 2 (b) of the Legal Aid Regulations 1970, Amendment No. 2 is hereby revoked.

3. Initial contribution—The principal regulations are hereby amended by inserting, after regulation 10, the following regulation:

“10A. The amount of the initial contribution shall be \$25.”

4. Assessment of disposable income—The principal regulations are hereby amended by inserting, after regulation 10A (as inserted by regulation 3 of these regulations), the following regulation:

“10B. The amounts that may be deducted in calculating an applicant’s disposable income under section 19 of the Act in respect of the items specified in the Schedule to the Act are as follows:

“1. A personal allowance: \$4,496.

*S.R. 1970/49

Amendment No. 1: S.R. 1972/127

Amendment No. 2: S.R. 1974/312

Amendment No. 3: S.R. 1980/53

"2. An allowance where the resources of any other person are treated as the applicant's resources under any of the provisions of subsections (6), (7), and (8) of section 19 of the Act: \$2,131.

"3. An allowance—

"(a) In the case of a married person, for a dependent child or a dependent relative (not being the person's spouse): \$208 for each child or dependent relative:

"(b) In the case of an unmarried person, for a dependent child or a dependent relative: \$1,819 for the first child or dependent relative:

\$208 for each additional child or dependent relative."

5. Procedure on receipt of application—Regulation 12 of the principal regulations (as substituted by regulation 10 of the Legal Aid Regulations 1970, Amendment No. 2) is hereby amended by inserting, after the word "shall", the words " , unless it is a case to which section 19 (9A) of the Act applies,".

6. Decision of Committee—Regulation 13 (1) of the principal regulations (as substituted by regulation 2 of the Legal Aid Regulations 1970, Amendment No. 3) is hereby amended by inserting, after the words "the Social Security Commission's report", the words "or (in a case to which section 19 (9A) of the Act applies) on receiving the application".

7. Aid for proceedings in appeal Court—Regulation 14 (3) of the principal regulations is hereby amended by inserting in the proviso, after the words "the report", the words "(if any)".

8. Emergency legal aid—Regulation 17 (4) of the principal regulations is hereby amended by inserting, after the words "Social Security Commission", the words "or (in a case to which section 19 (9A) of the Act applies) on receiving the financial statement".

9. Limited aid for small claims—(1) Regulation 18 of the principal regulations (as amended by regulation 5 of the Legal Aid Regulations 1970, Amendment No. 1) is hereby amended by omitting the expression "\$100" wherever it occurs, and substituting in each case the words "\$200, excluding disbursements,".

(2) Regulation 18 of the principal regulations is hereby further amended by omitting from subclause (1) the words "and disbursements".

(3) Regulation 5 of the Legal Aid Regulations 1970, Amendment No. 1 is hereby revoked.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations are made pursuant to the Legal Aid Act 1969 and amend the Legal Aid Regulations 1970. The changes are consequential upon those effected by the Legal Aid Amendment Act 1980. However, the amounts prescribed in the new regulation 10B (set out in regulation 4 of these regulations) are greater than the present amounts: they have been revised following a regular review.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 December 1980.

These regulations are administered in the Department of Justice.